

**From:** Therien, Ned  
**Sent:** Thursday, July 08, 2004 8:23 AM  
**To:** 'craig and jan fredrickson'  
**Cc:** Seifert, Marianne; McLaughlin, Craig D; Davis, Michelle (DOH)  
**Subject:** RE: comments on food handler card proposed changes  
[Thank you for your comment. It is being forwarded to State Board of Health staff.](#)

---

Ned Therien  
Office of Food Safety and Shellfish Programs  
Washington State Department of Health  
PO Box 47824  
Olympia, WA 98504-7824  
(360) 236-3071; fax (360) 236-2257  
[ned.therien@doh.wa.gov](mailto:ned.therien@doh.wa.gov)  
web page: [www.doh.wa.gov/ehp/sf/food.htm](http://www.doh.wa.gov/ehp/sf/food.htm)

---

**Public Health - Always Working for a Safer and Healthier Washington**

---

-----Original Message-----

**From:** craig and jan fredrickson [<mailto:craigjan2@comcast.net>]  
**Sent:** Wednesday, July 07, 2004 9:39 PM  
**To:** ned.therien@doh.wa.gov  
**Subject:** comments on food handler card proposed changes

Hi Mr. Therien,

It is appreciated that it has been recognized that adult family homes should not be placed under the category of institutional setting when establishing the requirement for food handler cards, as this was an inappropriate categorization. Although placing afhs under the category of food service establishment is not offensive in the manner as the institutional category, it is just as inappropriate and nonapplicable. AFHs are not food service establishments. They are homes. The requirement of food handler cards for afhs is inappropriate and has been instituted in an unacceptable manner.

This is an issue that, for some reason, has lingered for some time now. Anyway, there are several basic reasons why this requirement should not exist as it is written and as it has been instituted. When the requirement for afhs was implemented, the Administrative Procedures Act (APA) was not followed appropriately as there was no one in the afh field, and no afh providers, who knew of this rule change when it was initially proposed. The necessary stakeholders, as per the APA, were not included or even informed, yet, the rule went through without these above mentioned stakeholders knowing about this rule change, and definition change, until it was already implemented. This alone should be sufficient to end this discussion now and have this requirement removed. It is simply shocking that this has been allowed.

Although the violation of the APA should be enough to end this, let's look at other reasons why this is inappropriate. AFHs are not food service establishments and the proposed rule tries to create a category for AFHs that is both contradictory and discriminatory. WAC 246-217-010, 4b(i) is clear in exempting from this requirement private homes that are defined in a manner that is the only definition in this WAC that is

consistent with the definition of an adult family home, yet, afhs have been given their own special "food service establishment" definition that is not consistent with any other definition that applies to afhs. Also, it should be noted that many afhs, such as mine, are defined in federal law as "foster" homes. Interestingly, the only form of foster home that has been defined here as a food service establishment is the adult family home. This takes the people with disabilities in our home and says that they do not live in a single family residence(as defined in all other laws and rules and is consistent with their rights and dignity), but that they now live in a "food service establishment". Why is it that only people with disabilities and vulnerable adults living in afhs are being discriminated against in this manner and having their homes treated in a manner that contradicts all other laws that apply to them? I am still waiting for an answer to this simple question of discrimination. Also, it should be noted that there are several other forms of care and support for people with disabilities in this state that are not mentioned in this new category of food service establishment and having this new requirement forced upon them. Why are afhs singled out here? We can go on and on about the discriminatory nature of this and how it contradicts all other laws and basic rights of people living in afhs, but lets move on to another basic issue.

Now, lets pretend that the violation of the APA and the disregard of all applicable laws to afhs and people with disabilities can be ignored and that this is a requirement that just must be in place. Lets look at the actual training. The training for food handler cards does not apply to settings such as adult family homes. I have my food handler card. The class and all of its information is geared towards restaurants and "food service establishments" as I would think a requirement for food service establishments should be. Many of the things that are taught and demonstrated are things that simply cannot be done in an afh. Some of the facility requirements of three basins for washing, and having water temperatures at certain levels to clean and sanitize, etc... are not possible in an afh. In fact, if we were to do some of the things taught in that course, we would be in violation of other laws that do appropriately apply to afhs and would endanger the health and safety of the people we support and care for. What is the purpose of this? In a nutshell, doh and boh are trying to fit a square peg into a round hole by having this requirement. It just doesn't fit. There has been no need for this change as there have been no documented cases or any legitimate concerns to warrant such a drastic change. This new requirement is forcing people to learn things that they cannot do in an afh and does not apply to an afh. Please, just end this. AFHs don't fit in this "food service establishment" category, and this requirement causes more problems than good. We have tried to work with doh and boh to come up with some compromise or solution and it appears to have come up empty. I urge doh and boh to simply remove this requirement from adult family homes and work towards a more appropriate solution that is sensitive to the laws, rights, and basic dignity of vulnerable adults living in adult family homes. Thank you.

Craig Fredrickson

Adult Family Home Provider(specialty in developmental disabilities)

Adult Family Home Association of WA

253-630-2026